

**TOWN OF FRAMINGHAM**  
**SELECTMEN'S RECORDS**

\*REGULAR MEETING OF THE BOARD OF SELECTMEN - MARCH 2, 1981\*

The regular meeting of the Board of Selectmen convened at 7:30 PM. Present: Chairman John F. King, Clerk John F. DelPrete, Selectmen Claire F. Lavin and Executive Administrator Matthew P. Clarke.

WARRANTS

#145 - March 2, 1981 - Bills - \$188,413.33  
#146 - March 2, 1981 - Lumpsum Drawdown - \$10,298.01  
#147 - March 2, 1981 - Payroll - \$321,146.75  
#148 - March 2, 1981 - Bills - \$1,737,448.48

COIN OPERATED MACHINE LICENSES

Donut Time, 770 Worcester Road, one video machines  
Robert Giarla d/b/a The Sub Way, 510 Union Avenue, 2 video machines

MOTOR VEHICLE LICENSES

Class I - The Annis Corp., 60 Worcester Road  
Class II - Able Auto Body, 67 Beaver Street  
Class II - The Hertz Corporation, 546 Worcester Road

SECOND HAND ARTICLES LICENSE

Robert Epstein, 1071 Worcester Road

SPECIAL MALT BEVERAGES & WINE LICENSES

Framingham State College, Dwight Gym, March 14, 1981, 8:00 PM to 1:00 AM (Class of 1981)  
Framingham State College, Class of 1982, College Center Forum, March 6, 1981, 9:00 PM to 1:00 AM.

SUNDAY ENTERTAINMENT LICENSE

Robert Giarla d/b/a The Sub Way, 510 Union Avenue, two coin operated machines, 3/9/81 - 2/28/82

RATIFICATIONS

Permit to open, occupy & obstruct street

Commonwealth Gas Co.: 59 Beaver Street, work completed 1/31/81  
222 Fountain Street, work completed 2/1/81  
Fountain Street at Wellesley Press, Inc., work completed 1/20/81  
26 Bonito Drive, work completed 1/19/81  
Pleasant Street at Library, work completed 1/24/81  
Opposite #85 Eames Street, work completed 1/27/81  
Union Avenue at Concord Street, work completed 1/27/81  
84-86 Bishop Street, work completed 1/16/81  
75 Dennison Avenue, work completed 1/15/81  
17-19 Winthrop Street, work completed 1/14/81  
Park Street at Post Office, work completed 12/29/80  
159 Concord Street, work completed 1/23/81  
Pleasant Street at 931 Worcester Road, work completed 1/23/81  
216 Irving Street, work completed  
126 Irving Street, work completed  
192 Irving Street, work completed  
185-187 Irving Street, work completed  
Everett Street at Kingsbury Street, work completed

APPOINTMENTS

Special Police Officer - Hubert A. Keenan, 38 Stubtoe Lane, Sudbury, MA - for a term of duration of employment with Cardinal Security Services, Inc.

TRAFFIC REGULATIONS

In accordance with the recommendations of Safety Officer Robert Foley, the Board unanimously voted to approve the installation of the following signs:

RESIDENT PARKING ONLY - (Remove No parking sign)

Knox Avenue #19

RESIDENT PARKING ONLY

#131 Arlington Street

HEARING - Edison Co. JO NET&TCO petition, Irving Street for hip guy and anchor

Francis Brown and Carol Clinton were present from NET&TCO and the Edison Co. to petition for hip guy and anchor at Irving Street southerly side approximately 75 feet west of Arlington Street - one (1) hip guy and anchor. Hearing no opposition, Selectman Lavin made the motion to grant said petition, Selectman DelPrete seconded the motion and declared the vote 2/0. As is usual, Selectman King absented himself from the hearing.

HEARING - Application of Greyhound Lines, Inc. for license to operate motor vehicles for hire over designated streets in Framingham

Greyhound Lines, Inc. would like to reapply for access on and off the Massachusetts Turnpike to pick up and drop off passengers at the Route 30 Mall -- the bus is there only for two or three minutes at a time via the following route: Eastbound - Exit the Mass. Pike (I-90) at Exit 12 to Mass. Route 9. Proceed on Route 9 east to junction of Route 9 and Caldor Way (access road in Caldor Shopping Center), to Route 30 east (Cochituate Road) to junction point of on-ramp to Massachusetts Turnpike Exit 13, to I-90 east.

Westbound - I-90 west to junction of Exit 13 to Route 30 (Cochituate Road) west to Caldor Way, to Route 30 Mall to Route 9 west to junction of on-ramp to Massachusetts Turnpike Exit 12 to I-90 west.

**TOWN OF FRAMINGHAM**  
**SELECTMEN'S RECORDS**

\*MARCH 2, 1981\*

(2)

HEARING - Application of Greyhound Lines, Inc. for license to operate motor vehicles for hire (continued)  
John DelPrete made the motion to grant the license to the Greyhound Lines, Inc. Claire Lavin seconded the motion, Chairman declared the vote unanimous to grant the permit.

\*\*\*\*\*

John Thompson, owner of Tommy's Taxi asked to be recognized in regard to the permit granted to Quickway Transportation Company last week. Mr. Thompson thought he would be notified whenever transportation permits were granted -- he is opposed to the granting of permits where hotel traffic is given to outsiders who contribute nothing to Framingham's economy where his license requires him to spend a lot of money to pick up local traffic. Mr. Thompson stated: "If 40 per cent of my business is taken from me, it won't be long before I have to be before you again seeking an increase for local rates. I think we should have some protection from the Board of Selectmen or our local rates will be going up considerably." After some dialogue, the Board agreed to recall the owner of Quickway Transportation Company to rehear this matter at a further date at which time Mr. Thompson will be notified.

\*\*\*\*\*

HEARING - Attorney Joel P. Suttenger re: client Barry Gallant  
Attorney Suttenger was present with his client Barry Gallant. Police Chief Arthur Martins also was present. Attorney Suttenger stated his client, Barry Gallant, was hired by the Framingham Police Department as a provisional officer in September, 1980, at which time he was in Police work in Londonderry, New Hampshire, for two years prior to coming to Framingham. At the time he was hired by the Town and was appointed provisional officer, there was no discussion between him and the department relative to the necessity for passing a medical examination. As a matter of routine, the officer was examined by the Town's physician, Dr. George, whose evaluation reported irregular heart beats never revealed in prior medical records. The officer was referred to a cardiologist after seeing the Town's physician. This evening, Attorney Suttenger reports there are conflicting opinions among the doctors as to the severity of Mr. Gallant's medical condition. At this point, the attorney calls to the attention of the Board, the civil service standards. Mr. Gallant as a result of Dr. George's finding was released of duty in November, 1980, and to date, it is unclear whether he was being terminated or suspended for a leave of absence without pay. Only the Board of Selectmen could terminate his employment. As a result, he now finds he has been suspended from November 19 until the date the other provisional officers were terminated because of Proposition 2½. The attorney continued: "the provisional officers do have rights under the union contract. At the time, after the medical reports were in, he was first relieved of duty, then he was brought back in and a week later, again relieved of duty. All the time, his status has been in limbo. The officer has sought other employment but he wants to go back into Police Department work. Our purpose in being here this evening is simply to determine the suspension on a leave of absence without compensation was proper or whether he has certain rights to at least be compensated in some measure. I point out, it took two months from the time of the physical examination before the medical record was obtained; I feel strongly on that basis some award ought to be made to at least compensate him to some degree from the middle of November to December 2."

Chief Martins reported that in the case of provisional officer appointments, Civil Service does not become involved at all. Chief Martins stated he made a recommendation to the Board that Barry Gallant be appointed a provisional pending receipt of a valid list which was a long time coming. Certainly, he would have to take a physical examination. This was made very clear to him. He was sent to Dr. George. The report was very clear that officer Gallant was being treated -- and it was clear that this type of condition could be fatal because of the stress involved in this type of work. Chief Martins made him come in -- talked with him and dismissed him. A provisional officer serves at the discretion of the Chief. This matter does not involve sick leave. After further medical evaluations, Chief Martins met with M. P. Clarke and members of the Personnel Board at which time it was determined that certainly, it was in the best interest of this person and the Town of Framingham that he not be hired as a full time police officer.

Officer Gallant told the Board he had come to Framingham at the invitation of Chief Martins after having been called here by Officer McGrath -- he came September 2 after being given two weeks to prepare himself to come. The officer stated he accepted the assignment as provisional officer as a result of his standing on the civil service examination list.

Chairman King asked Mr. Gallant: "There were no guarantees as to how long you would be in Framingham at the time the provisional appointment was made?"

Mr. Gallant replied he believed there were implied guarantees. He agreed, however, there <sup>was</sup> no guarantees as to how long he would be employed. Mr. Gallant was relieved officially on November 18, 1980.

Mrs. Lavin pointed out the physical examination should be given and evaluated prior to the move.

Selectman King agreed Mrs. Lavin has a point well taken. The physical examinations should be given prior to a person coming to Framingham to work.

Chief Martins pointed out that because of the expense involved (approximately \$600) the physicals are given after the appointment. It has been the policy of the Town of Framingham to do that.

The Chairman declared the matter would be taken under consideration. Prior to adjourning the meeting, the Chairman called for the pleasure of his Board. The Board agreed to deny reimbursement since the provisional officers are gone now as a result of Proposition 2½; however, Selectman DelPrete pointed out that in all fairness to any individual, the conditions of employment should be spelled out to them prior to their accepting employment in the Town of Framingham. Chairman King stated that in the future, we should make sure we don't jeopardize the position of such an individual. The Board's final decision is to reject the attorney's plea.

**TOWN OF FRAMINGHAM**  
**SELECTMEN'S RECORDS**

\*MARCH 2, 1981\*

(3)

REQUEST FOR AA BEVERAGE LICENSE FOR AGEAN RESTAURANT, BEACON PLAZA

Chairman King called for the pleasure of the Board relative to this license application. The Board determined no action will be taken. The matter will remain tabled this evening.

HEARING - K.L.H., Inc. d/b/a Hunan Garden re: transfer of stock and issuance of additional shares of stock  
Attorney Leonard Matthews, 335 Boylston Street, Newton, represented K.L.H., Inc. indicating the corporation wishes to increase from 60 original shares to 148 shares of stock recorded in the minutes of stockholders and directors which reflect who will be given those shares. This, the attorney stated: "will actually strengthen the corporate structure with three additional investors becoming members of the corporation."

Chairman called for further questions relative to issuance of stock. Hearing none, chairman called for a vote of the Board. The Board unanimously voted to take the matter under advisement. Prior to adjourning the meeting, the Board unanimously voted approval of the stock transfer.

HEARING - Gray Line Post Road Commuter Corporation re: application for license to operate motor vehicle for hire over designated streets in Framingham

Robert McQuarry was present on behalf of Gray Line to petition coming on and going off exit 13 of the Mass Pike. Chairman called for comments. Hearing none, he called for a motion of the Board. Mrs. Lavin made the motion to accept the request. Mr. DelPrete seconded the motion. Chairman declared the vote unanimous. License granted over designated streets as follows: Route 9 from Framingham-Southborough town line to entrance and exit ramps of interchange #12 of the Massachusetts turnpike. On Firmin Avenue from the Southborough-Framingham Town line to Route 9.

CONFERENCE re: Framingham Union Hospital Office Building

Attorney John Garrahan was present with James Walkner, Hospital Administrator, Bob Foster, Schofield Engineers, Kevin O'Marah, Architect, Ray Simms, builder, Gerald Locke, Perini Corporation and Mr. Garrahan's assistant, Attorney Ralph LePore, to discuss the possibility of obtaining air rights for Framingham Union Hospital to expand their facilities at Evergreen Street. Attorney Garrahan explained he is before the Board this evening making the hospital's intention known. Attorney Garrahan is here in an effort to give the community a period of 90 days to come up with alternate plans for the use of those rights -- at the end of that period the hospital would come back and the Board would determine the proposal to be in the best interest for the community and at that time present the most likely proposal to Town meeting for its approval. Attorney Garrahan pointed out this is a tax revenue project for the Town. Should this project be approved, construction would start during the summer of 1981 with occupancy planned for spring of 1982. There will need to be a clarification of when owners of condominiums start to pay taxes -- the assessors will have to provide this information.

Several abutters to the hospital were present with questions for the attorney relative to parking and to the height of the proposed building. Abutters report the parking in front of their homes which are in the area of the hospital is virtually non-existent and the residents are here tonight to request "resident parking only" signs in front of their homes. The Board agreed to again review this request through the Safety Officer's office. Attorney Garrahan did point out the hospital owns property, or rents property sufficient to park 2,200 cars throughout the complex. When asked how close to abutters the new project would come, the attorney replied no one can build closer than the set-back requirements. After listening carefully to the attorney and to the abutting residents, the Board unanimously voted to take the matter under advisement.

HEARINGS (2) - re: grievances of Lawrence D'Angelo

Robert Hinckley, Local 1652 Grievance Committee Chairman was present with Larry D'Angelo to discuss two grievances. Also present: Fire Chief John Hancock and Deputy Fire Chiefs Regan and Ellsworth also took part in the discussion.

It was agreed that grievance number two (2) concerning manpower shortages had been remedied by the action outlined in Chief Hancock's letter of February 19, 1981. It was further agreed that these incidents emphasized the importance of a cutoff time for manpower requirement determination.

Further discussion of ways to control the time factor required for manpower determination was proposed between union representatives and the fire department management team. As a result of grievance number one (1), it was agreed that alternate methods for enforcement of "call in" time requirements would be required before the practice in effect since 1974 could be changed.

Hearing no further discussion, the Chairman thanked everyone present for the input and dismissed the group.

\*\*\*\*\*

Recommendations of Safety Officer for approval for signals dimmers

The Board unanimously voted to refer the matter to the Department of Public Works -- it was also suggested that dimmers, rather than operating 24 hours a day could be turned off late at night and during early morning hours.

Recommendation of Safety Officer re: overhead light at McGrath Square

The Board unanimously voted to refer the matter to the State to determine when they expect to have the overhead light at McGrath Square installed. Mr. Sergeant will take care of this matter.

Recommendation of Safety Officer re: establishment of increased fees at parking meters

The Board unanimously voted the Safety Officer's request be investigated to determine the total cost and the net gain expected from the parking meters.

**TOWN OF FRAMINGHAM**  
**SELECTMEN'S RECORDS**

\*MARCH 2, 1981\*

(4)

Letter from Board of Public Works re: proposed construction of medical office building on Evergreen Street  
The Board noted receipt.

Letter from Fire Chief re: proposed construction at Framingham Union Hospital  
The Board noted receipt.

Letter from Senator Burke and copy of Bill #480 re: CATV revenues  
The Board noted receipt, however, it does not appear that this matter applies to Framingham.

Request of Attorney Victor H. Galvani re: permission to submit application for AA Beverages license on behalf of his client, Centre Pizza -- Louis Panos of 19 Amy Road  
The Board requested the location be checked for its proximity to a church and whether or not Jonathan Maynard will continue to be operated as a school.

INVITATIONS

Wayland Grass Roots - March 5, 1981  
The Board noted receipt.

Legislative Breakfast - Friday, March 13, 1981  
The Board noted receipt.

Luncheon Meeting, Human Service Forum - April 22, 1981  
The Board noted receipt.

Salvation Army Dinner invitation -- The Board noted receipt

Notice of DPU hearing, April 22, 1981 - Re: Worcester Gray Line and Stephan Corporation  
The Board voted to note receipt.

Fire Department Overtime Report  
The Board noted receipt.

Assessor Position  
Mr. Clarke advised the Board the Assessor Position has been advertised -- applications are being accepted.

HOSPITAL AIR RIGHTS

The Board requested to see overall developmental plans for the next 15 years prior to its issuing air rights to the hospital. Mr. Clarke will pursue the matter.

Chairman called for further new, old, or unfinished business. Hearing none, Chairman called for motion to adjourn. Selectman Lavin moved to adjourn. Selectman DelPrete seconded the motion.

Chairman adjourned the meeting at 10:05 PM.

  
\_\_\_\_\_  
JOHN F. DELPRETE, CHAIRMAN